

Case 1:20-cv-00390-MAC-ZJH Document 61 Filed 01/11/23 Page 1 of 2 PageID #: 492

REPUBLIC TECHNOLOGIES (NA), LLC
and REPUBLIC TOBACCO, LP,

On December 28, 2022, *pro se* Defendant/Counter-Plaintiff Theresa M. Gross d/b/a Tees Cheap Tobacco [hereinafter, “Gross”] filed a pending Objection to the magistrate judge’s Report and Recommendation (#59), as well as a Demand for Trial by Jury (“Demand”) (#60). The court conducted a *de novo* review of the objections in relation to the parties’ filings and the

applicable law. 28 U.S.C. § 636(b)(1)(C). After careful consideration, the court finds the objections have no merit and that Judge Hawthorn correctly concluded that Republic's First Motion to Dismiss (#34) should be denied as moot, and that Republic's Motion to Dismiss Amended Counterclaims (#52) should be granted.

It is therefore **ORDERED** that the report and recommendation of the magistrate judge (#57) is **ADOPTED**. Plaintiff/Counter-Defendants Republic Technologies (NA), LLC and Republic Tobacco LP's Motion to Dismiss, or in the Alternative, Motion for More Definite Statement (#34) is **DENIED AS MOOT**, and Plaintiff/Counter Defendants' Motion to Dismiss Amended Counterclaims (#52) is **GRANTED**.

SIGNED at Beaumont, Texas, this 11th day of January, 2023.

A handwritten signature in black ink, reading "Marcia A. Crone", is positioned above a horizontal line.

MARCIA A. CRONE
UNITED STATES DISTRICT JUDGE